

AMENDED IN ASSEMBLY MARCH 25, 2010

AMENDED IN ASSEMBLY MARCH 16, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1956

Introduced by Assembly Member Monning

February 17, 2010

~~An act to amend Section 1502 of, and to add Section 1502.5 to, the~~
An act to add Section 1502.5 to the Fish and Game Code, and to amend
Section 19348 of the Food and Agricultural Code, relating to wildlife.

LEGISLATIVE COUNSEL'S DIGEST

AB 1956, as amended, Monning. California condors: feeding.

Existing law authorizes the Department of Fish and Game, in accordance with policies established by the Fish and Game Commission, to provide for the feeding of game birds, mammals, or fish when natural foods for those animals are not available and to provide suitable feeding areas.

~~This bill would expand that feeding authorization to also allow the feeding of birds other than game birds, and feeding that aids the recovery of a threatened or endangered species. The bill would require, if the~~ department enters into a memorandum of understanding with participants in a condor preservation program to allow for the feeding of free-ranging California condors, that the terms of the memorandum of understanding be consistent with prescribed guidelines for feed animals and feeding sites. The bill would require the department to revise any term of a memorandum of understanding in effect on January 1, 2011, that is inconsistent with those guidelines.

Existing law generally prohibits the transport of ~~a dead animal~~ *animal by a dead animal hauler or any other person* to any place other than prescribed locations, except under certain circumstances, including transport pursuant to prescribed waivers or permits.

This bill would exempt the department from that transport prohibition when engaged in providing food for free-ranging California condors pursuant to the bill.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 1502 of the Fish and Game Code is~~
2 ~~amended to read:~~

3 ~~1502. The department, in accordance with policies established~~
4 ~~by the commission, may provide for the feeding of birds, mammals,~~
5 ~~or fish when natural foods for those birds, mammals, or fish are~~
6 ~~not available, or if feeding aids the recovery of a threatened or~~
7 ~~endangered species, and may provide suitable area or areas for~~
8 ~~that feeding, and may for those purposes expend money as~~
9 ~~necessary from the Fish and Game Preservation Fund.~~

10 ~~SEC. 2.~~

11 ~~SECTION 1.~~ Section 1502.5 is added to the Fish and Game
12 Code, to read:

13 1502.5. (a) If the department enters into a memorandum of
14 understanding with participants in a condor preservation program
15 to allow for the feeding of free-ranging California condors ~~under~~
16 ~~Section 1502~~, the terms of the memorandum of understanding shall
17 be consistent with the following guidelines:

18 (1) The following animals may be used to feed free-ranging
19 California condors:

20 (A) Livestock animals from dairies or other livestock operations,
21 if the animals are euthanized by shooting with nonlead ammunition
22 or die from natural causes.

23 (B) Wildlife killed by traffic on state highways and collected
24 by the Department of Transportation.

25 (C) Animals that die from natural causes on private property,
26 if transported to the feeding site by the landowner.

27 (2) A feeding site for California condors shall be all of the
28 following:

1 (A) A safe distance from nearby hazards, including, but not
2 limited to, turbines or overhead wires.

3 (B) On properties of 100 acres or more, with a setback of
4 one-half mile from the property line.

5 (C) On a hill or knoll predominately covered by grass and not
6 under a tree canopy or within 100 feet of a stream, lake, or other
7 body of water.

8 (D) Within, or adjacent to, the current range of the California
9 condor or within an area subject to an effort to reintroduce the
10 California condor.

11 (b) In preparing the memorandum of understanding pursuant
12 to subdivision (a), the department may work in conjunction with
13 the State Veterinarian.

14 (c) In preparing the memorandum of understanding pursuant to
15 subdivision (a), the department shall work in conjunction with
16 federal agencies that work to preserve the California condor.

17 (d) The department shall revise any term of a memorandum of
18 understanding in effect on January 1, 2011, that is inconsistent
19 with the guidelines in subdivision (a) to conform to those
20 guidelines.

21 ~~SEC. 3.~~

22 *SEC. 2.* Section 19348 of the Food and Agricultural Code is
23 amended to read:

24 19348. (a) Unless a waiver is granted by the State Veterinarian
25 in conjunction with implementation of Section 9562 or a
26 declaration of a state of emergency or local emergency, as defined
27 in subdivisions (b) and (c) of Section 8558 of the Government
28 Code, pursuant to the California Emergency Services Act (Chapter
29 7 (commencing with Section 8550) of Division 1 of Title 2 of the
30 Government Code), a dead animal hauler or any other person shall
31 not transport any dead animal to any place, other than to a licensed
32 rendering plant, a licensed collection center, an animal disease
33 diagnostic laboratory acceptable to the department, the nearest
34 crematory, or to a destination in another state that has been
35 approved for that purpose by the appropriate authorities in that
36 state.

37 (b) The secretary may issue a master or individual permit to a
38 licensed renderer, collection center, or dead animal hauler for the
39 purpose of authorizing transport of a dead animal to an

1 appropriately permitted landfill under either of the following
2 circumstances:

3 (1) During a proclaimed state of emergency or local emergency,
4 as defined in subdivisions (b) and (c) of Section 8558 of the
5 Government Code.

6 (2) When the licensed hauler has certification from a licensed
7 renderer that the licensed renderer cannot process the dead animal
8 due to operational conditions or legal or regulatory requirements
9 or constraints. The certification shall be in a form approved by the
10 department and, for purposes of this paragraph, “licensed hauler”
11 shall include licensed collection centers and renderers.

12 (c) Nothing in this section shall be interpreted to conflict with
13 any state or federal environmental or zoning law, or to prohibit an
14 owner of a live animal from burying the animal on the owner’s
15 property after the animal dies if the burial is within three miles of
16 where the animal died.

17 (d) Subdivision (a) does not apply to the Department of
18 Transportation or to local agencies having jurisdiction over a road
19 or highway when engaged in removing animal carcasses from the
20 road or highway.

21 (e) Subdivision (a) does not apply to the Department of Fish
22 and Game when engaged in providing food for free-ranging
23 ~~California condors pursuant to Section 1502 of the Fish and Game~~
24 ~~Code.~~ *California condors.*